

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Kim Marie Sherwood,

Plaintiff,

v.

Mark Rollins, individually and in his official capacity as Chairman of the Board of Trustees of Spartanburg County School District One; Mark S. Smith, individually and in his official capacity as Superintendent of Spartanburg County School District One; and Spartanburg County School District One,

Defendants.

C.A. No. 7:24-cv-3257-TMC

**MOTION TO DISMISS BY DEFENDANTS
MARK ROLLINS AND MARK S. SMITH**

YOU WILL PLEASE TAKE NOTICE that Defendants Mark Rollins (“Rollins”) and Mark S. Smith (“Smith”), by and through their undersigned counsel, hereby move to dismiss the Plaintiff’s Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff’s Verified Complaint asserts causes of action against Rollins and Smith for: (1) Violation of First Amendment to U.S. Constitution: Prior Restraint; Content Discrimination; Denial of Rights under Petition Clause – 42 U.S.C. § 1983; (2) Violation of the Equal Protection Clause of the Fourteenth Amendment: Denial of the Right to Engage in the Political Process on Equal Terms – 42 U.S.C. § 1983; (3) Violation of the Due Process Clause of the Fourteenth Amendment: Lack of Procedural Due Process – 42 U.S.C. § 1983; (4) Retaliation for Exercising Rights Guaranteed by the First Amendment – 42 U.S.C. § 1983; (5) Violations of the South Carolina Constitution – S.C. Const., Art. I, §§’s 2 and 3 [sic]; (6) Violation of S.C. F.O.I.A., S.C. Code Ann. §§ 30-4-60 and 70; (7) Violation of S.C. F.O.I.A., SC Code Ann. §§ 30-4-30; and (8) Declaratory Judgment Relief – 28

U.S.C. §§ 2201-02; Violation of F.O.I.A., S.C. Code Ann. § 30-4-10 et seq).¹ For the reasons set forth in detail in the attached Memorandum in Support of Defendants' Motion to Dismiss, Defendants Rollins and Smith, respectively, should be dismissed *with prejudice* from the Complaint and request that this Court grant their Motion in its entirety on all claims.

Respectfully submitted:

By: s/Ryan K. Hicks

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Columbia, South Carolina

¹ These same causes of action are also pled against Defendant Spartanburg County School District One.